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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,880	12/23/2005	Magin Luis Quiambao Jr.	733310/000011	1409
27036	7590	07/10/2007		
STEPTOE & JOHNSON CHASE TOWER, 6TH FLOOR P.O. BOX 2190 CLARKSBURG, WV 26302-2190			EXAMINER WOOD, KIMBERLY T	
			ART UNIT 3632	PAPER NUMBER
			MAIL DATE 07/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,880

Applicant(s)

QUIAMBAO JR, MAGIN LUIS

Examiner

Kimberly T. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/18/07</u> . | 6) <input type="checkbox"/> Other: _____ |

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This is an office action for serial number 10/561,880.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 10, 13, 15, 16, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Bryan 5,762,308. Bryan discloses a umbrella mount made of plastic comprising a tube/tubular means (18) with a top end/means (20), a bottom end/means (near 22), a top binder comprises a top cinch strap (upper strap 16 and Velcro), a bottom binder comprises bottom cinch strap (lower strap 16 and Velcro), support member/means for supporting (22) being a protrusion, securing member/means for adjustably securing (26), a means for preventing slippage (24); Bryan inherently discloses a method of detachably securing an umbrella shaft comprising the steps of aligning, detachably, depositing, and adjusting.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7-9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryan 5,762,308 in view of Mangeruga 5,009,377. Bryan discloses all of the limitations of the claimed invention except for a means for preventing slippage of said tube and is selected from the group consisting of one or more collar, one or more rubber collars, a non-slip coating, a textured surface, and a sticky coating. Mangeruga discloses a means for preventing slippage of said tube (26 and 39) including a group consisting of one or more collar, one or more rubber collars, a non-slip coating, a textured surface, and a sticky coating. It would have been obvious to one having ordinary skills in the art to have modified Bryan to have included the non-slip coating as taught by Mangeruga for the purpose of

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preventing frame assembly from gravitationally turning around the axis.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryan 5,762,308. It would have been an obvious matter of design choice to have made to have the tube a length between about twelve inches and thirteen inches and an inner diameter of about one inch, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art since the applicant has not shown how the chosen shape is critical.

Claim 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryan 5,762,308 in view of Skoff et al. (Skoff) 5,390,884. Bryan discloses all of the limitations of the claimed invention except for securing member comprising a thumb screw through a thumb screw hole. Skoff teaches that it is known to have a securing member comprising a thumb screw through a thumb screw hole (74 and 72). It would have been obvious to one having ordinary skill in the art to have modified Bryan to have included the thumb screw through a thumb screw hole as taught by Skoff for the purpose of stabilizing the umbrella shaft and prevent removable from the tube.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

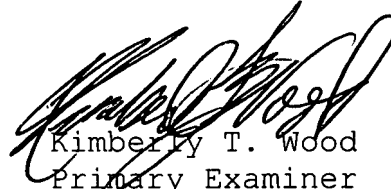
The prior art discloses conventional umbrella mounts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly T. Wood whose telephone number is 571-272-6826. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kimberly T. Wood
Primary Examiner
Art Unit 3632

June 18, 2007